

Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

October 24, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William C. Child, Manager
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Re: **L1630200005 -- St. Clair County**
Request For Information;
Sauget Sites -- Area 1 and Area 2

Dear Mr. Child:

This letter is a timely response to the Environmental Protection Agency's (IEPA) letters dated August 7, 1989, on the subject sites referenced above. Monsanto Company responds consistent with the extension of time, to October 24, 1989, that was granted by the Office of the Illinois Attorney General.

Monsanto is submitting one response which will address matters raised in the IEPA letters for Area 1 and Area 2. In response to those letters, we disagree with the IEPA's overly broad assumption of authority which it asserts is conferred by the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 USC §9601 et. seq., and the Resource Conservation and Recovery Act (RCRA), 42 USC §6901 et. seq. Furthermore, the IEPA does not furnish sufficient data to support the factual assertions which it sets forth in its letters. We also object to the overly broad scope of certain questions and the far-reaching time period (1930 through the present) included in the IEPA information request. However, consistent with Monsanto's policy for cooperation with government agencies, we are responding to your request, but at the same time are not waiving any objections to the IEPA's authority, the factual assertions included in the IEPA's letter, or the scope of information requested. By this submission of information responsive to the overly broad requests, we do not admit any question of fact or law. Certain information provided are responses to Congressman Eckert's survey

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of the chemical industry in 1979. The questionnaires were sent to 50 chemical companies and asked the companies to provide information by estimating (undefined) the volumes of wastes, the method of disposal, and further requiring companies to speculate on the facility at which disposal may have occurred.

Monsanto has conducted a diligent search for information responsive to the request for information at the W.G. Krummrich Plant, Sauget, Illinois; the J.F. Queeny Plant, St. Louis, Missouri; the Carondelet Plant, St. Louis, Missouri; and investigations by personnel at the Monsanto Company Corporate Headquarters in St. Louis, Missouri. I, N. Cornell Boggs, III, the Monsanto Company attorney assigned to this matter, have reviewed the documents which have been submitted to me by the above-mentioned plants. I am without personal knowledge of the matters stated in the documents submitted in response to the information requests. The documents have been assembled by authorized employees who have informed counsel that they have conducted a search of their respective files, which has resulted in the produced information that follows. To the best of this attorney's knowledge and belief, the information provided is true.

Following the search of plant and corporate files, documents that have been located and responsive to particular information requests have been sub-divided into categories which reflect the particular "Site" within either Area 1 or Area 2 that the document is responsive to. Accordingly, as IEPA reviews each of Monsanto's, the Site-specific answers will reference an alphabetically-sequenced appendix. Each appendix begins with an index listing the responsive documentation. No documentation has been located which supports the position that Monsanto has any waste associated with Area 1. All documentation located for this area are responsive to Information Request (No. 8) wherein Monsanto provides documentation of transactions and/or agreements between Monsanto and "owners" within Area 1 during the period of disposal. At this time, Monsanto does request the IEPA's assistance in providing whatever information the IEPA possesses, or has evaluated which has led the IEPA to include Monsanto as a recipient of the Area 1 Information Request.

It must be understood that Monsanto's ability to respond to the Information Requests for Area 1 and for Area 2 is restricted by the age of the transactions and the breadth of information requested. Monsanto has spent considerable time and resources in order to provide complete responses within the limited time provided.

Monsanto has previously produced numerous documents, relevant to the issue of waste disposal, to the State of Illinois in Illinois v. Monsanto. The following documents are "confidential" pursuant to the protective order entered in the lawsuit at pages K00002-K00004, K02033-K02043, and K02050-K002055. Because of the broader scope of the information requested, we have submitted additional documents which reference documents subject to the protective order. For all of these documents, Monsanto states a

confidentiality claim pursuant to 35 Ill. Adm. Code, Part 161. All documents included in Monsanto's claim of confidentiality are located in Appendix A.

Monsanto's responses to the specific Information Requests are attached. If there are any questions regarding the matters discussed above, please contact the undersigned at (314) 694-6032.

Very truly yours,

N. Cornell Boggs, III

N. Cornell Boggs, III
Environmental Attorney

enc.

cc: w/o enc.
Christine Zeman
Assistant Attorney General
Office of the Illinois Attorney General

Answers to Information Requests
Sauget Sites - Area I and Area II

Answer No. 1: No Monsanto Company documents were located which are responsive to Area I or to Sites O and Q in Area II. Documents are responsive to Site R are located and indexed at Appendix B.

Answer No. 2: No Monsanto Company documents were located which are responsive to Area I or to Sites O and Q in Area II. Documents that are responsive to Site R are located and indexed at Appendix C.

Answer No. 3: No Monsanto Company documents were located which are responsive to Area I as to Sites O and Q in Area II. Documents that are responsive to Site R are located and indexed at Appendix D.

Answer No. 4: No Monsanto Company documents were located which are responsive to Area I or to Area II. Should response documents be found this request for information will be supplemented.

Answer No. 5: No documents were located which are responsive to Area I as to Sites O and Q in Area II. The only responsive document found is relevant to Site R and is located and indexed at Appendix E. This document is also responsive to Question 2.

Answer No. 6: No documents were located which are responsive to Area I or to Site O in Area II. Documents that are responsive to Sites R and Q are located and indexed at Appendix F.

Answer No. 7: Monsanto objects to question No. 7 insofar as it is overly broad and exceeds IEPA's authority for the purposes of a hazardous waste site information request. Monsanto had, and does have, various insurance policies which were in effect during the time periods in question. If Monsanto is ever adjudged responsible for liabilities arising from this matter, Monsanto

and its insurance carriers will determine whether or not specific insurance policies provide coverage for specific occurrences. Monsanto's insurance coverage for environmental claims is presently in litigation. See Monsanto Company v. Aetna Casualty & Surety Company, et al., Delaware Superior Court, Newcastle County, Delaware, CA No. AD8C-JA-118-1-CV and CA No. 9576; Travelers Company v. Monsanto Company, et al., U.S. District Court for the District of Connecticut, CA No. H88-34(AHN).

Answer No. 8: Monsanto Company documents which were located are responsive to Area II, Site O, and to various unknown sites within Area I and Area II. These documents are located and indexed at Appendix G.

APPENDIX A

Index of Documents

Letter dated 2/8/78 re contract extension (000001)

Letter dated 5/19/78 re waste disposal agreement (000002 to 000011)

Notes dated 8/16/68 re waste disposal (000012 to 000015)

Memo dated 6/29/77 re waste disposal (000016 to 000021)

Memo dated 3/9/71 re waste disposal (000022 to 000032)

Letter dated 3/21/84 re landfill contract (000033)

Letter dated 12/15/78 re agreement sanitary landfill privileges (000034 to 000040)

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APPENDIX B

Index of Documents

Memo dated 2/24/71 re Krummrich Plant Solid Waste Disposal (000041)

Landfill Lease dated 1959 (000042 to 000048)

Letter dated 10/25/77 re Sauget & Company (000049)

Letter dated 11/15/78 re contract addition (000050)

Letter with attachments dated 3/25/80 re on-site waste disposal facilities (000051 to 000064)

Waste disposal agreement dated 11/1/59 (000064 to 000083)

Landfill Lease dated 1/1/64 (000084 to 000091)

Letter with attachment dated 12/29/72 re lease extension (000092 to 000101)

Waste disposal agreement dated 1/1/64 (000102 to 000117)

Lease 1/1/64 (000118 to 000124)

Waste disposal agreement dated 1/1/64 (000125 to 000140)

Memo dated 3/6/73 re waste disposal contract (000141 to 000161)

Memo dated 9/2/60 re landfill operation procedures (000162 to 000168)

Chemical waste disposal operations manual undated (000169 to 000172)

Memo dated 8/5/74 re landfill inspection (000173)

APPENDIX C

Index of Documents

Memo dated 10/27/75 re IEPA landfill inspection - chemical composition (000174 to 000178)

Memo dated 6/4/74 re toxicity studies (000179 to 000180)

Memo dated 7/19/74 re chemical disposal (000181)

Memo dated 7/19/74 re landfill operation (000182 to 000184)

Progress report dated 7/24/68 landfill material quantity (000185 to 000186)

APPENDIX D

Index of Documents

Letter dated 2/25/80 re site description (000187 to 000190)

Notes dated 11/9/79 re site description (000191)

Progress report dated 4/8/71 re volumetric calculations (000192 to 000194)

Chart dated 1/1/68 re volumetric calculations (000195 to 000199)

Letter dated 8/16/68 re list of chemicals and quantities (000200 to 000202)

Letter dated 11/27/72 re list of chemicals and quantities (000203 to 000204)

Memo dated 1/27/77 re list of chemicals and quantities (000205 to 000207)

Notes on Eckhardt survey (000208 to 000211)

Lists dated 2/10/77 re Queeny Plant 1976 disposal (000212 to 000214)

Progress Report dated 1/3/69 re characterization of materials (000215 to 000219)

Progress Report dated 8/20/70 re composition and volume of materials (000220 to 000222)

Report dated 5/18/81 re EPA notification of hazardous waste site (000223 to 000226)

Memo dated 4/3/74 re composition and quantity of materials (000227 to 000230)

APPENDIX E

Index of Documents

Forms B and C of Eckhardt Survey for Queeny Plant (000231 to 000236)

APPENDIX F

Index of Documents

Site R

Generator profile sheet dated 9/19/89 (000237 to 000238)

Chemical data sheet dated 6/29/81 (000239 to 000242)

Site Q

Report dated 12/12/85 re boiler ash test results (000243 to 000249)

Memo dated 7/13/89 re boiler ash EPTOX results (000250 to 000252)

APPENDIX G

Index of Documents

Area I Unknown Site

Letters dated 2/7/84, 2/8/84, 3/2/84, 2/2/84, 12/13/83 to or from Paul Sauget (000253 to 000259)

Memo dated 1/19/82 re Paul Sauget (000260)

Letter dated 9/29/82 from Paul Sauget (000261)

Memo dated 12/28/79 re Paul Sauget (000262)

Letter dated 11/22/78 from Paul Sauget (000263)

Agreement dated 1/1/79 re landfill signed by Paul Sauget (000264 to 000269)

Service Agreement dated 3/1/86 with MTS, Inc. signed by Paul Sauget (000270 to 000272)

Letter dated 3/18/86 to Paul Sauget (000273 to 000276)

Service Agreement dated 8/1/84 MTS, Inc. signed by Paul Sauget (000277 to 000279)

Agreement dated 12/11/57 re dumping privileges with Leo Sauget (000280 to 000281)

MTS Trucking invoices 1982 through 1989 (000282 to 000516)

Area II Unknown Site

Memo dated 1/29/85 re pump test right of way with Illinois Central Gulf Railroad property (000517 to 000520)